IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

F.A.O. No. 4040 of 2007(O&M)

Date of Decision : 4.10.2007

Dilbag Singh

.....Appellant

Versus

S. Navdeep Singh & Ors.

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA

Present : Mr. Ramesh Sharma, Advocate
for the appellant.

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VINOD K. SHARMA, J. (ORAL)

C.M. No. 19209-CII of 2007

This is an application under Section 151 C.P.C. for condonation of delay of 34 days in refiling the appeal. For the reasons stated in the application, the delay of 34 days in refiling the appeal is condoned.

C.M. stands allowed.

F.A.O. No. 4040 of 2007

This first appeal against the order dated 2.4.2007, challenges the order passed by the Sikh Gurdwara Judicial Commission, Amritsar (hereinafter referred to "the Commission") dismissing the application moved by the appellant under Order 39 Rules 1 & 2 read with Section 151 of the Code of Civil Procedure.

The appellant claimed that respondents No. 1 to 5 were the elected members of the Local Gurdwara Committee, who were informed by

the Additional Secretary, SGPC on 1.12.2006 to hold first meeting of the Committee on 10.12.2006, which was lateron postponed to 17.12.2006.

It was claimed that the meeting for the election of the office bearers was held under the supervision of Sarabjit Singh respondent No.8, in which name of Baldev Singh respondent No.4 was proposed for the office of the President and S. Navdeep Singh was elected by the majority votes. It was claimed that after the election formal pronouncement of appointment was to be made but this could not be done as the supporters of Shiromani Akali Dal (SAD) led by Dr. Dalbir Singh came to blows with the supporters of Baldev Singh respondent No.4. It was claimed that matter was even reported to the police. It was claimed that in violation of the said election respondent No.2 was appointed as the President, who was trying to take possession of the Gurdwara Committee. Thus, injunction was sought from doing so during the pendency of the petition.

The notice of the application was given and it was found that Baldev Singh did not support the case of the appellant rather he was supporting the case of the respondents. The Commission also noticed that all the five members were present in the Court and out of the said five members, three members namely Kulwant Singh, Baldev Singh and Gurinder Singh were having majority and, therefore, it was prima facie held that respondents No. 2, 4 and 5 were elected as office bearers of the Managing Committee.

It was in view of the fact that Baldev Singh alleged President also supported the case of respondents, the learned Commission came to the conclusion that there was no prima facie case in favour of the petitioner to claim injunction.

The findings recorded by the learned Commission are based on facts and also on account of the fact that three of the members present in Court supported the Committee duly constituted. Thus, the impugned order does not call for any interference in the present appeal.

Dismissed.

4.10.2007 **(VINOD K. SHARMA)**
'sp' **JUDGE**